

**Benton County Planning Board  
Public Hearing Minutes  
December 19, 2007, 5:30 p.m.**

**Call to Order & Roll Call:** The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Bill Kneebone, Adele Lucas, Tim Sorey, and Heath Ward. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis, and Karen Stewart.

**Announcements:** Staff made no announcements. Mr. Sorey announced that a consent agenda would be started, which would allow the Board to vote one time on agenda items with which there were no issues. He stated that the first four items under "New Business" would be on the consent agenda.

**New Business:**

1. Lot Split - **Panorama Park, 4<sup>th</sup> Addition** - Miller Road, Rogers - Gene Buescher
2. Informal Plat Subdivision - **Pine Branch Addition** - 17600 Posy Mountain Road, Rogers - Gene Buescher
3. Final Plat - **Sugar Hollow Acres** - 15628 Pleasant Ridge Road, Rogers - Crafton Tull Sparks
4. Large Scale Development - **Bed & Breakfast** - 10600 Highway 72 West, Bentonville - Dennis Vinciguerra

Mr. Sorey read all of these items aloud for the record, and then called for public comment; there was none.

Mr. Borman made a motion to approve the consent agenda with all stipulations remaining in place; Mr. Ward seconded the motion. Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Ms. Lucas, Mr. Sorey and Mr. Ward all voted in favor of the motion. The motion was passed.

5. Variance from Large Scale Development Regulations - **Parking Lot for Insurance Cars** - 9143 Greenhouse Road, Bentonville - Monaie Colvin

Paul and Monaie Colvin represented the variance request.

Ms. Pope stated that the applicant is requesting a variance to allow a parking lot for cars that have been claimed by an insurance company. Mr. Colvin clarified that this is called an insurance pool.

Ms. Pope showed photographs of the site, which is southwest of the intersection of Kimmel and Greenhouse Roads in Bentonville. She stated that the applicant would like to lease the property to an individual who stores the cars. Mr. Colvin stated that the automobiles would not be stripped or touched on the proposed lot; he added that this

individual has eight similar lots in Oklahoma and Kansas as well as one in North Little Rock, but would like one in this area.

Ms. Lucas asked if the cars would be constantly rotated out of the lot, with additional cars being brought in on a regular basis; Mr. Colvin stated that there would be.

Mr. Ward asked if the lot will hold operable and inoperable cars; Mr. Colvin stated yes, adding that there could be repossessed vehicles as well. He stated that there would be a fence all the way around the entire five acre tract.

Ms. Pope asked how many cars would be held on site; Mr. Colvin stated that there would be anywhere between 35 and 200 vehicles.

Ms. Pope stated that the applicant is requesting a variance from the large scale development regulations; Mr. Colvin stated that the lot would be considered industrial and asked about the rest of the property being designated as commercial. Ms. Pope stated that the property would remain as it is.

Ms. Lucas asked why the Board was being asked to consider a variance from the large scale development regulations in this case; Mrs. Colvin answered that they would be leasing the property. Mr. Colvin interjected that the property would be leased not sold.

Mr. Ward asked if there was an intermittent creek that fed into the draw on the property; Mr. Colvin stated that there is a creek on the back side of the property. Mr. Ward expressed concern regarding the applicant keeping vehicles in various states of disrepair on the property that could potentially leak fluids. Mr. Colvin stated that he was assured that the cars would be clean and would not leak fluids. Ms. Lucas expressed doubt that the Board could be assured absolutely that none of the up to 200 cars would leak fluids from batteries or leak oil or gas.

Mr. Borman stated that it concerned him that the applicant is requesting five acres, but states on the variance request that the area may need to be expanded to ten acres. He asserted that there are definite environmental issues with cars being moved in and out of the property regularly. He stated that the Board had required other facilities go through the large scale requirements and expressed concern about granting a waiver in this instance.

Mr. Ward concurred, adding that inoperable vehicles in the vicinity of the creek especially present risks.

Mr. Sorey stated that there was not much difference between this project and either a salvage yard or car lot, in which case screening, buffering, and other large scale development requirements should be looked at.

Mr. Borman made a motion to approve the variance request; Ms. Lucas seconded the motion. Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Ms. Lucas, Mr. Sorey and Mr. Ward all voted against the motion. The motion was denied.

Mr. Sorey stated that this vote did not mean that the applicant could not have the proposed lot, but that they would have to go through the large scale development process.

Mr. Ward stated that this would need to be done even though the property is being leased; the focus should be on what operation is taking place on the property.

Mr. Sorey stated that the applicant could have the individual who wants to lease the property go through the large scale process as a condition of their lease, instead of the applicant having to hire a surveyor and engineer.

### **Old Business:**

1. Preliminary Plat Subdivision - **Lost Rock Ranch, LLC** - 7927 Lakeview Bay Road, Rogers - Community by Design

Mike Cloffelter from Community by Design asked the Board to move this agenda item to the end of the meeting; he stated that the engineer of record and the client were not present yet, but that they were on their way. Mr. Sorey agreed to move this item to the end of the meeting.

2. Conceptual Large Scale Development - **Cotswold Village** - 8800 Kilpatrick Road, Rogers - FKF, Inc.

Billy Witcofski of 8557 Tanglewood Road in Rogers and Doug Fredeen of Freeland-Kauffman & Fredeen, Inc. represented the conceptual large scale development plan.

Ms. Pope stated that Staff had been working with the applicant and that they have submitted all of the required items. She said that the applicant was present at the meeting to hear any public comment regarding the proposed development. She stated that this project was like the nursery that the Board had reviewed in that they were requesting public comment while they still had just a few items left to submit. Ms. Pope stated that Staff is satisfied and added that there will be steep grades in the area, but those roads will be paved, so erosion will not be a concern.

Mr. Borman asked who the water supplier will be; Mr. Witcofski answered that it would be supplied by Benton County Water District #5.

Ms. Lucas asked about how the project will be set up from a legal standpoint; Mr. Witcofski explained that the 50' by 50' footprint of each cottage will be owned by individual owners, much like a condominium. The rest of the property will be commonly owned by the club membership, which will be made up of the cottage owners.

Mr. Borman asked about the waste water system; Mr. Witcofski answered that they would be using the AdvanTex system. Mr. Witcofski stated that since the last meeting, the applicant had had a soils report done and he reported that the soil scientists, among others, were "absolutely amazed at the report."

Ms. Pope stated that she had received an email from an engineer at ADEQ confirming that the AdvanTex system is approved for use in Arkansas. She stated that the Board could require a letter on letterhead if they chose.

Mr. Borman expressed his thoughts on the results of the soils test, saying, "I'm just amazed that they could get these loading rates."

Mr. Sorey opened public comment on the project.

Mark Curtis of 15728 Putman Road, Rogers, stated that he is a member of the ABLE (Association for Beaver Lake Environment) Board of Directors and expressed his concern regarding the addition of septic systems in such close proximity to Beaver Lake. He stated that there were many alternatives to septic systems and said that it would be advantageous for the developer and the county if the applicant used the "finest system possible."

Mr. Sorey explained that the AdvanTex system is not a traditional septic system, but is rather a treated effluent drip system for each individual cottage.

Mr. Borman stated that the AdvanTex system has been used in Austin, Texas with great success.

Ms. Lucas pointed out that the covenants forbid the usage of septic systems.

Jim Sigmon of 15901 Cypress Lane owns an acre of property adjacent to the proposed project site. He stated that he simply wanted the applicant to state "in front of some witnesses that I'm not going to go out there one day and find that my survey stakes have disappeared and that all the brush from the development's been pushed over in the middle of my lot." He wanted assurance on the record from Mr. Witcofski that he would not end up having to clean up construction debris; he also mentioned an access easement on Castleberry Road.

Mr. Witcofski stated that he had been remiss in getting together with the Sigmons and apologized for not getting together with them sooner. He stated that it was his wish that once the Sigmons see what they are creating at Cotswold Village, that they would want to be a part of it. He stated that he wanted them to enter and egress through their gates and have complete access to their property via the paved roads. Mr. Witcofski said that he did not want any bad neighbors, so he intended to be up front and hide nothing.

Public comment was closed and Board discussion was opened.

Mr. Sorey asked if the applicant was present only to receive public comment and not Board approval; Mr. Witcofski stated that he would like to have Board approval. He said that he understood the rules and regulations, but that if anything would prevent Cotswold Village from being approved, he needed to know before the morning of 12/21/07 in order to close on the property.

Mr. Borman stated that he did not have any concerns.

Mr. Henry asked if any of the other Board members had any concerns about the ten-foot road width. Mr. Witcofski stated that Ms. Pope had received some correspondence from Fire Marshal Will Hanna asking that during construction twenty-foot pull-over areas be added to the roads approximately every 100 feet. Mr. Witcofski conceded that the roads would need to be two-lane at some point so that property owners could pass each other on the road. He added that the Fire Marshal's concern was the ability to maneuver fire equipment and that he was not concerned so much about the pavement, but about trees blocking the way.

Mr. Ward noted that the number of units in the project had been reduced and that sprinkler systems will be installed in each unit; Mr. Witcofski stated that that was correct.

Mr. Sorey asked that the widened spots in the road be noted on the plans and then approved by the Fire Marshal.

Ms. Pope stated that she did not foresee any issues with the project other than the turn-arounds; she said that if the Board wished to vote on the project, she would not be opposed it.

Mr. Sorey stated that his concern would be with some of the long stretches of road with steep grades. He asked if the surface would be concrete, asphalt, or both; Mr. Witcofski stated that the surface is currently paved. Ms. Pope pointed out that the only road not yet paved is the one that the developer plans to construct; Mr. Witcofski concurred.

Mr. Sorey addressed an easement that "starts in your property, then it totally leaves your property, and then comes back." He asked if the easement was for both parties. Mr. Witcofski asked for clarification. Mr. Sorey stated that easements are usually written from one party giving another party access across the first party's property, but in this case the easement document may need to be from both parties to both parties. Mr. Fredeen answered that the easement currently exists. Mr. Sorey was concerned that with the establishment of Cotswold Village, several property owners would be involved in the easement; Mr. Fredeen noted that the owners would only own the footprint of their cottage – the rest of the property belongs to the Cotswold Village Property Owners Association. Ms. Pope noted that the recorded easement is listed on the plat: Book P93, Page 192. Mark Garrison came up to the podium and informed Mr. Witcofski and Mr. Fredeen that he had originally given the easement to the Castleberrys.

Mr. Fredeen stated that the development would be under one ownership, with only the cottages being sold, like a condominium; Ms. Pope stated that in this type of transaction, the deed would have a legal description of the footprint of the cottage.

Mr. Sorey stated that in another case similar to this development, the Board required the developer to tie the legal description of the footprint of the building in to the description of the center line of the road; he asked Mr. Gray if this needed to be done in this case. Mr. Gray answered that tying the legal description to any known point on the project would be sufficient. Mr. Fredeen added that they actually had State Plane coordinates available to tie into. Mr. Gray warned that title companies don't approve of the use of State Plane coordinates, preferring that monuments are used instead.

Mr. Witcofski assured the Board that the architecture depicted in the brochure would remain the same and the landscaping and vegetation would be strictly regulated by the POA to maintain as natural a condition as possible.

Ms. Pope reviewed the stipulations for approval:

- Show the turn-arounds or widened part of the roads on the plat in order to satisfy the Fire Marshal's requirements.
- Verify that the easement is mutual among property owners.
- Tie the legal description to existing monuments.

Ms. Lucas asked if the Board could actually approve a conceptual large scale development; Mr. Sorey countered that the project is a PUD. Ms. Pope stated that public notice has been made.

Mr. Sorey asked for clarification on whether the project is a large scale development or a planned urban development; Ms. Pope answered that it is a hybrid. She reiterated that public notice had been made and added that the applicant had originally intended to ask for approval of the project at this meeting. Mr. Kneebone noted that the Board had approved conceptual plans and allowed work to begin prior to this presentation, giving the example of the condominium project. Ms. Pope stated that this project was a bit more than a concept, but left it up to the Board to decide.

Mr. Borman made a motion to approve the project, subject to the outstanding stipulations; Mr. Gray seconded the motion. Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Ms. Lucas, Mr. Sorey and Mr. Ward all voted in favor of the motion. The motion was passed.

Mr. Sorey added that "the only other stipulation is that you have to be a good neighbor."

1. Preliminary Plat Subdivision - **Lost Rock Ranch, LLC** - 7927 Lakeview Bay Road, Rogers - Community by Design

Morgan Hooker with Lost Rock Ranch, LLC and Brian Teague of Community by Design represented the project.

Ms. Pope ensured that the Board members had received a copy of Staff's "Recommended Conditions of Approval." She indicated that these were just a starting point and that the Board might find it necessary to add to or subtract from the list.

The recommended conditions were as follows:

1. The applicant shall satisfy all requirements of the Arkansas Department of Environmental Quality (ADEQ) for the permitting, installation, commissioning, operation, and maintenance of the decentralized sanitary waste system proposed for the project. Evidence of compliance with the ADEQ requirements shall be submitted to and approved by the Benton County Planning Office prior to final plat approval.
2. A building setback of 25 feet from the edge of the right-of-way shall be placed on lots that front County Road 600 (Lakeview Road).
3. All roads within the project shall maintain a minimum 14 foot wide surface.
4. All roads within the project shall maintain a minimum 35 foot turning radius.
5. Gravel roads in the project shall be compacted and shall not exceed 18 percent grade.
6. Roads or road segments in the project that exceed 18 percent grade shall be paved with concrete.

7. Gravel Road 11 shall be chain gated with a sign posted "For Emergency Access Only."

Mr. Borman stated that the wastewater contract with Greenfield Capital was satisfactory; he asked if Staff had received a copy of the ADEQ permit application. Ms. Pope stated that Staff had not received a copy of the application itself, but had received a letter from ADEQ stating that Lost Rock Ranch's application was complete. She stated that Lost Rock Ranch needed to submit a copy of the full application; Mr. Borman concurred with Ms. Pope.

Mr. Borman stated that he believed that ADEQ's financial capacity requirements oblige an applicant to provide for five years of operations and maintenance; he asked the applicants if the amount they bonded was four thousand dollars. Mr. Hooker stated that ADEQ has allowed two years; Mr. Borman countered that four thousand dollars would barely run the wastewater system for a month, much less two years. Mr. Borman said that the contract states that Lost Rock Ranch would be paying Greenfield approximately \$3,200 per month; he added that he had an issue with the idea that "If this whole thing goes south the people that are on the wastewater system are going to be left holding the bag out there with no one to own and operate this system." He added that the amount of the bond being put up is inadequate to run the wastewater system for any appreciable length of time.

Mr. Hooker stated that he had a spreadsheet from Matt Phelps; Mr. Borman stated that he had had arguments with ADEQ before regarding their regulation and the enforcement of it. Mr. Borman asserted that the County Planning Board has the right to require that "an additional bond be put up to help ensure that if something goes south on this, that the O&M requirements at least for a considerable period of time can be met in operating that system out there."

Mr. Hooker stated that the first year that Lost Rock Ranch is in operation, there will only be approximately five houses and perhaps as many as fifteen by the end of the second year. Mr. Hooker indicated that the O&M calculations were based on this beginning number of houses, but he added that he had no problem revisiting this. Mr. Borman and Mr. Ward maintained that the amount of the bond was still not sufficient.

Mr. Borman stated that Pinetop Water District has not yet been established and the Department of Health does not yet have a time frame for when that will happen. He asked the applicant what would happen if Pinetop never became a public water system in that area. Mr. Hooker answered that they would simply move forward as they had planned to before Pinetop was a possibility; he stated that they had a complete water treatment system with wells designed. Mr. Borman said that Lost Rock Ranch would then become a public water system, since they would be supplying 51 homes; he indicated that he would have questions and concerns regarding the water supply and the wastewater system, agreement with Greenfield notwithstanding.

Mr. Borman stated that when he spoke with Roy Davis of the State Department of Health, Mr. Davis indicated that the wastewater collection system had not yet been submitted to him. Mr. Teague stated that he has documentation showing that Mr. Davis had reviewed the plans for the collection system and commented on it. Mr. Borman asked if the system had been approved yet; Mr. Teague stated that it had not been approved yet.

Mr. Sorey said that ADEQ and the Health Department each have their own processes that the applicant must navigate; he suggested that the Board might not need to see a project again if they are satisfied that the applicant had met all requirements except for the State-level requirements. He stated that his biggest concern was the amount of the bond posted to cover the operations and maintenance of the wastewater system; he added that the Board might need to either adopt a set of standards to handle situations like this one or allow the State to handle it.

Mr. Borman concurred and added that the State's calculations of operations costs "are not realistic to the actual operations cost of one of these systems." Mr. Sorey stated that he wanted the Board to either deny the project request or enable the project to move forward, "to get them off high-center."

Mr. Borman stated that he simply did not want to see "another Sunset Bay" in which homeowners are left with an inoperable wastewater system and felt that it was the Board's responsibility to ensure that this did not happen. He suggested that the Board require a bond worth approximately \$76,000 to cover two years of operation and maintenance costs in the event that Lost Rock Ranch, LLC found it necessary withdraw from the project for any reason.

Mr. Hooker stated that he needed to work with Greenfield Capital "to change the fee structure." He asked the Board if they would be satisfied with Lost Rock Ranch providing a bond that covered two years of operations and maintenance; Mr. Borman answered that that would be sufficient; he added that it would, "buy some time to allow for the operation and maintenance of the system, so I don't have a problem with that."

Mr. Sorey opened public comment on the matter; there was none, so public comment was closed.

Mr. Sorey asked the Board if there was any discussion regarding the list of seven recommended conditions of approval; Mr. Borman stated that he would like to add the requirement for a bond that would cover the cost of two years of maintenance and operation of the wastewater system. He also asked to add the condition that "not a whole lot is going to go on" until either Pinetop Water District is formed or Lost Rock Ranch becomes a public water system and receives Health Department approval.

Ms. Lucas asked for clarification on when the bond would begin; Mr. Borman answered that it would begin with the first house when the system begins operating. Mr. Hooker stated that he had spoken with Mark Tilley, who informed him that the bond would begin when the system is turned on for testing; Mr. Sorey clarified that this would be the case whether or not there was any inflow to the system. The Board discussed the matter and concurred that the bond would begin once the system had been tested and was operational, whether or not there were any houses built.

Ms. Pope asked if the Board had noticed that the four lots that were previously on the old county road had been moved and that the applicant is no longer proposing to vacate the county road; Mr. Sorey answered in the affirmative; adding that the county road maintained its original placement and the lots were moved to "the high side of the road."

Mr. Borman stated that "the better way to word that... is Department of Health approval for water." Mr. Sorey summarized that a stipulation regarding the water supply was being



added and that the first stipulation was being expanded to include the requirement of a bond for O&M of the wastewater system. Mr. Hooker stated that it could be either a bond or a letter of credit; Mr. Borman concurred.

Mr. Sorey addressed the building setback of 25 feet from the edge of the right-of-way of County Road 600, asking the applicant the closest distance they were building from any of the roads within the development. Mr. Teague stated that the access easement is 30 feet wide and that there is a five foot setback from the edge of the easement. Mr. Sorey clarified that there will be "seven feet off of the edge of your road... somewhere around there... then another five feet to that, if your road's centered in your easement." He asked the Board if there were any issues with this; no one expressed any concerns. Mr. Sorey clarified that the minimum building setback off of the standard road easement would be five feet.

Mr. Sorey addressed the third stipulation: "All roads within the project shall maintain a minimum 14 foot wide surface." Mr. Kneebone expressed concerns that emergency vehicles would be unable to navigate narrow roads within the development, "especially with the steep grades and gravel roads." Mr. Sorey stated that he had recommended that the applicant had "pull offs" along the road that were a minimum of twenty feet wide and thirty feet long; he expressed his concern regarding consistency, since the Board had just approved a project with ten-foot wide roads. He suggested that the Board should have standards to apply to roads, taking surfacing material and width into consideration.

Mr. Kneebone said that he was concerned with the gravel roads due to the steep grades being proposed, stating that "18% grade is pretty steep for gravel." Mr. Sorey asked him to "hold that thought just a second..." then went on to the next stipulation: "All roads within the project shall maintain a minimum 35 foot turning radius." Mr. Sorey asked if anyone had any issue with this stipulation, adding that this stipulation would take care of some of the other issues.

Mr. Sorey read the next two stipulations: "Gravel roads in the project shall be compacted and shall not exceed 18 percent grade" and "Roads or road segments in the project that exceed 18 percent grade shall be paved with concrete." Mr. Hooker asked if the wording could be changed to allow the applicant to pave "with a rigid surface," so that they would have the freedom to use asphalt, if necessary. Mr. Sorey asserted that "asphalt on steep grades will tend to walk itself downhill," and stated that concrete would be the best solution. Mr. Hooker agreed that the applicant would use concrete. Mr. Sorey added that if the applicant wished to make the surface look "more native" a different type of aggregate could be used.

Mr. Sorey read the last stipulation: "Gravel Road 11 shall be chain gated with a sign posted "For Emergency Access Only." Ms. Pope stated that this is the development's secondary access.

Mr. Sorey stated that unless the Board had any comments or questions, the only thing left to resolve was the stipulation regarding maintaining a minimum 14-foot wide surface. Ms. Pope stated that Mr. Kneebone had brought up the concern regarding the steep grades and gravel surface. Mr. Sorey reiterated that any grades over 18% would have to be paved in concrete; Mr. Kneebone stated that he would like for the grade percentage to be lower - somewhere in the vicinity of 12 to 15%. Mr. Sorey noted that the current regulations permit up to 15% grades, but stated that this project is a PUD and that the

applicant is requesting some special considerations. Mr. Kneebone reiterated his concern regarding access, stating that he is more concerned for the potential residents than for the applicant. Mr. Sorey stated that he was of the opinion that residents should be able to build where they want to and accept the consequences of their actions. Mr. Kneebone stated that "people will be yelling and screaming that they can't get any service out there because the roads are bad."

Ms. Pope stated that she understood Mr. Kneebone's point, but stated that the Board needed to remember context and bear in mind that there would not be very much traffic. She reminded the Board that this is a very remote site.

Mr. Hooker asked the Board to consider that there are several county gravel roads steeper than 18% en route to the proposed development. Mr. Kneebone asserted that the Board was going to be voting on Lost Rock Ranch's roads, not the County's roads. Ms. Lucas added that just because things were not done properly in the past, there was no reason to keep making the same mistakes.

The Board then discussed how the writers of the current Benton County regulations arrived at the grade percentage stated in the regulations; Mr. Sorey asserted that it was an average of other local regulations. Mr. Gray thought that it was probably from an old highway department manual. Mr. Teague stated that the grades are dependent upon the location, stating that he had worked on a project in Nebraska where the steepest allowable grade was 8%; he stated that Denver, Colorado would probably have drastically different allowances.

Mr. Sorey suggested that cutting into the land to maintain roads at a lower percentage grade was not conducive to keeping a "natural environment setting," and asked Mr. Kneebone if he wanted to see the grades kept below 12 or 15%. Mr. Kneebone stated that the standard is 15%, so everything over 15% should be paved; he expressed concern regarding setting a bad precedent. Mr. Kneebone also stated that he did not think that other state's standards or regulations had any bearing on what is done in Arkansas.

Mr. Hooker stated that another thing to consider was that the roads in the development will be private and as such should not be held to the same standards and he quoted from chapter two of the Benton County Blue Book, "Private driveways or streets need not comply with county improvement standards for public streets, but will not be dedicated to the county nor maintained thereby."

Mr. Ward stated that he had been out to the property and understood the concept of it. He stated that he had no issue with the way that the stipulation regarding road grades was written. Mr. Gray agreed with Mr. Ward and added that he agreed with the addition to the stipulation that Mr. Sorey suggested regarding the pull-offs. He stated, "as far as a set distance, I think it's more of a terrain question." Mr. Sorey concurred, saying, "It's a sight distance and a terrain question," and that where roads are on the side of a hill, the applicant would have to either cut into the terrain or build roads out. Mr. Hooker stated that they had done some "cut-ins" where it made sense to do so.

Mr. Ward stressed that he was not disregarding the need for emergency vehicles to be able to access the development, but he said that most people that live in remote areas do so purposely and with the understanding that emergency response might not be rapid or even possible. Mr. Kneebone stated that he had been speaking from his own experience

driving an ambulance in those areas; he asserted that ensuring the public's safety is one of the objects of the Planning Board.

Mr. Henry stated that they were dealing with a combination of issues with the grades and the turn-arounds and said that he felt that the suggested stipulations took care of the issues of accommodating the traffic and allowing people to pass. He stated that emergency response would not be the same as in town, but that that was "a given." He added that the project should be viewed in context regarding what the developer is trying to achieve. He summarized that the Board should not attempt to overly manipulate the project and stated that he was comfortable with the suggested stipulations.

Mr. Ward asked if the applicant was still planning on having a designated helipad area; Mr. Hooker stated that they did.

Mr. Sorey asked the Board if they had any further comment; no one did. Ms. Pope asked the Board if they were "ready for the run-down" and stated that they had listed several items:

1. The applicant shall satisfy all requirements of the Arkansas Department of Environmental Quality (ADEQ) for the permitting, installation, commissioning, operation, and maintenance of the decentralized sanitary waste system proposed for the project. Evidence of compliance with the ADEQ requirements shall be submitted to and approved by the Benton County Planning Office prior to final plat approval.

This item will include the applicant's submittal of a copy of the ADEQ permit application and the posting of a bond or letter of credit sufficient to maintain and operate the system for a minimum of two years.

2. A building setback of 25 feet from the edge of the right-of-way shall be placed on lots that front County Road 600 (Lakeview Road).
3. All roads within the project shall maintain a minimum 14 foot wide surface.
4. All roads within the project shall maintain a minimum 35 foot turning radius.
5. Gravel roads in the project shall be compacted and shall not exceed 18 percent grade.
6. Roads or road segments in the project that exceed 18 percent grade shall be paved with concrete.
7. Gravel Road 11 shall be chain gated with a sign posted "For Emergency Access Only."
8. This project is contingent upon connection to a public water source or receiving Health Department approval of an applicant-maintained water system.
9. The covenants must state that the POID will maintain the roads and the wastewater treatment system.
10. A copy of the executed wastewater treatment system agreement with Greenfield Capital must be submitted to Staff.

11. The applicant will ensure that any and all necessary permits are obtained from the Corps of Engineers.
12. Building setback from the road easement within the development will be five feet.
13. Turn-out areas will be placed along the road at least every five hundred feet; the street width at the location of the turn-out will be a minimum of 20 feet wide.
14. A designated helicopter landing area will be maintained and accessible to emergency personnel.
15. "Streets and access roads" should be added under the section defining "common areas" under Article 1, Section 1.09 of the covenants.
16. Side slope stabilization shall be done prior to final plat.

Mr. Ward made a motion to approve the project, subject to the stipulations listed; Mr. Gray seconded the motion. Mr. Borman, Mr. Gray, Mr. Henry, Ms. Lucas, Mr. Sorey and Mr. Ward all voted in favor of the motion; Mr. Kneebone voted against it. The motion was passed.

Mr. Sorey stated that the Board had had situations in the past in which they have approved a project with an alternative sewer system or many outstanding stipulations. He emphasized that when the developer comes in for final approval in order to be able to sell lots, the Board will have no mercy - all stipulations must be met before final approval will be granted.

### **Adjournment:**

The meeting was adjourned at 6:50 p.m.